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C O N F I D E N T I A L SECTION 01 OF 02 DAMASCUS 003695

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SUBJECT: SYRIA'S LABWANI SUFFERING ONGOING LEGAL WOES, RIAD
SEIF BEATEN

Classified By: Charge d'Affaires Stephen A. Seche for reasons 1.4 b/d

¶1. (C) Summary: Jailed opposition activist Kamal Labwani appeared July 25 in criminal court for the second time in two weeks, with the judge again postponing decision on the defense team's request to show in open court Labwani's televised interviews on Al-Hurra and Al-Mustaqbal. Labwani's next appearance was set for July 31. Earlier in the week, one of Labwani's lawyers expressed fear that the court was going to speed up the case and ultimately issue a very tough sentence--possibly life in prison with hard labor or the death penalty. The lawyer stated that an appeal of such a sentence might require subpoenaed evidence from the USG, including in-court testimony of U.S. officials such as Deputy National Security Advisor J.D. Crouch with whom Labwani met while in the U.S. on an International Visitor's program. The SARG will seek to capitalize on pan-Arab and anti-U.S. sentiment in Syria resulting from the Israel-Hizballah conflict to make a scapegoat of Labwani, who is being portrayed as an agent of the USG, to send a stern warning to other domestic activists, the lawyer said. End Summary.

¶2. (C) Jailed opposition activist Kamal Labwani appeared July 25 in criminal court for the second time in two weeks. The judge issued a decision allowing Labwani's lawyers to have a copy of Labwani's file and to visit their client in detention without the presence of security authorities, but rejected the defense's request to show the televised interviews on Al-Hurra and Lebanese channel Al Mustaqbal. Labwani and his lawyers in turn rejected the judge's proposals that either transcripts of the interviews be entered into Labwani's file as part of the defense or that the interviews be aired in a closed court session. Instead, they insisted on a public airing in front of an open court. The criminal court judge, looking uncomfortable, promised to issue a decision on July 31. Attending the trial were Syrian human rights activists, members of the extended Labwani family, and international observers from the U.S., UK, Canada and Australia. After the session, one of Labwani's sisters approached Poloff and pleaded that if the U.S. enters into any type of heightened diplomatic dialogue with the SARG, it put her brother's plight at the top of its demands.

¶3. (C) Earlier in the week, one of Labwani's lawyers, Muhanned al-Hasani, expressed fear that the court was going to speed up the case and ultimately issue a very tough sentence--possibly life in prison with hard labor or the death penalty. (Comment: The judge is clearly expediting the trial, with court dates being set a week apart, whereas many defendant's routinely go a month or more between sessions.) The SARG will seek to capitalize on nationalist

and pan-Arab sentiment resulting from the Israel-Hizballah conflict to make a scapegoat of Labwani, who is being portrayed as an agent of the USG, to send a stern warning to other domestic activists, Hasani said. The SARG is trying to lower the "ceiling of fear" to a level never seen in Syria, the lawyer said.

14. (C) If Labwani receives a stiff sentence, the defense team will likely issue as part of an appeals process subpoenas to have the USG provide a detailed copy of Labwani's Voluntary International Visitor's program, a list of all Syrians who have participated in the International Visitors' program, and in-court testimony by USG officials with whom Labwani met in Washington, including Deputy National Security Advisor J.D. Crouch, Hasani said. Any USG statements now on Labwani's behalf would likely push the SARG to deal even more harshly with the activist, said Hasani noting that charges against Labwani were significantly increased after his name was publicly cited by President Bush and after Labwani's detention was the subject of at least five diplomatic demarches by other governments to the SARG. Repeating a frequent comment of Syrian activists, Hasani questioned the USG commitment to internal reform and asserted that, especially in light of events in Lebanon, the road to domestic reform in Syria will be painfully long.

15. (C) The SARG continued to intensify its crackdown of human rights and civil society activists, Hasani said, citing the July 16 beating of former MP Riad Seif as he left a security headquarters building. Seif still bore knuckle marks on his face four days after the incident, Hasani said. Other activists were facing increasing intimidation, according to Hasani, citing severe damage done July 10 to the car of jailed activist Anwar Bunni and recent, repeated incidents when paint and animal dung was thrown on the home

DAMASCUS 00003695 002 OF 002

of a Damascus Declaration committee member's home. Hasani also stated his mother had received a phone call on July 16 from an unknown caller who threatened her that she was going to find Hasani in a grave.

16. (C) Comment: The criminal court judge in the Labwani trial was clearly uncomfortable as he handles a sensitive national security case that would normally be heard in the State Security Court, given that he is expected to put on a display of a free and open trial but where a misstep could cost him dearly with Syrian authorities. Still, he appeared to want to keep the trial moving along. As asserted by Hasani and other contacts, the SARG is continuing its crackdown, and, under cover of the Israel-Hizballah conflict, it is very possible the regime will use Labwani to send a stern warning to other activists. That being said, given the climate in Syria and the likelihood that Labwani himself would be punished for any USG statement of support, the safest recourse for the time being seems to be continued trial observation and coordination with other diplomatic representatives urging them to do the same.
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